

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

F. FREDERIC FOUAD,	:	CIVIL NO. 1:19-CV-253
	:	
Plaintiff,	:	(Judge Wilson)
	:	
v.	:	
	:	(Magistrate Judge Carlson)
MILTON HERSHEY SCHOOL,	:	
et al.,	:	
	:	
Defendants.	:	

MEMORANDUM ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

This lawsuit represents the latest chapter in what has been longstanding and bitter strife between two antagonists: Frederic Fouad and the Milton Hershey School. As we have noted in the past, it seems that litigation has become the field upon which these protagonists have chosen to engage in:

a longstanding and intractable conflict between the Milton Hershey School, an advocacy group, Protect Hershey’s Children (“PHC”), and PHC’s President, an attorney named Ric Fouad. The conflict between Fouad, PHC, and Hershey spans many years and is marked by competing accusations, mutual recriminations, and shared, profound, and unshakeable suspicions. For its part, the Milton Hershey School apparently views PHC and Fouad as unscrupulous provocateurs, who disseminate baseless allegations against the Milton Hershey School and then instigate grieving families to file meritless lawsuits in pursuit of their ideological goals. PHC and Fouad, in turn, identify themselves as public spirited whistle-blowers, who believe that they are the victims of a campaign of harassment, oppression, and unwarranted calumny orchestrated by a multi-billion dollar corporate monolith.

Wartluft v. Milton Hershey Sch. & Sch. Tr., No. 1:16-CV-2145, 2018 WL 3995697, at *1 (M.D. Pa. Aug. 21, 2018).

The latest iteration of this internecine legal warfare began in 2018 when Fouad commenced this lawsuit in New York state. Fouad's complaint was removed to federal court in New York and then transferred to this court. The latest manifestation of this dispute is embodied in Fouad's amended complaint, (Doc. 171), a 95-page, 344-paragraph pleading which levels an array of claims against some 17 individual and institutional defendants. Presently, there are three motions to dismiss pending in this case. (Docs. 173, 174, 229). We have now filed a Report and Recommendation addressing these motions. Anticipating that the parties may lodge objections to aspects of this Report and Recommendation, and that the district court may need time to thoughtfully address the parties' voluminous submissions, but recognizing the importance of promptly addressing the remaining issues in this case, we note that there remains one other potentially dispositive motion which we believe should be addressed before full merits discovery begins, the plaintiff's motion for suppression and termination sanctions. (Doc. 241). Therefore, we are entering the following order which would prescribe a schedule for the prompt and fair resolution of this motion

Order

AND NOW this 19th day of February 2020, IT IS ORDERED as follows:

First, the parties shall consult, confer and on or before **March 2, 2020** provide the court with a proposed joint case management plan for addressing the pending motion for termination sanctions only, which joint case management plan shall include any objections to the court's proposed course of action, along with the parties' views regarding the necessity and scope of tailored discovery relating solely to the issues raised in this motion, PROVIDED that any case management plan complies with the litigation schedule set forth in this order.

Second, a telephonic case management conference will be conducted in this case on **March 6, 2020 at 1:30 p.m.** to finalize any schedule for litigation of this motion.

Third, to the extent that it is determined that targeted discovery is necessary in support of this motion, that discovery will be completed no later than **June 5, 2020**.

A hearing/oral argument will be conducted on this motion on **June 12, 2020 at 10:00 a.m.** in Courtroom 5 U.S. Courthouse, Harrisburg, Pennsylvania.

S/ Martin C. Carlson
Martin C. Carlson
United States Magistrate Judge